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PATENT/Docket No.: 6231.N CN1

CERTIFICATE OF MAILING (37 CFR 1.8)

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I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Julie K. Lyons, Legal Assistant

Name of Person Mailing Paper

Signature

Julie K. Lyons

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 1616
Examiner : Frank I. Choi
Applicant(s) : Todd P. Foster, William M. Moseley, Satish K. Singh
Serial No. : 09/500,246
Filed : 02/08/00
For : PHARMACEUTICAL IMPLANT CONTAINING IMMEDIATE RELEASE AND SUSTAINED RELEASE COMPONENTS AND METHOD OF ADMINISTRATION

Commissioner of Patents and Trademarks
Washington, DC 20231

NOTICE OF APPEAL UNDER 37 CFR 1.191

Sir:

Applicant(s) hereby appeal to the Board of Appeals the decision of the Primary Examiner twice rejecting or finally rejecting claims 26-47 dated December 3, 2002. Applicant(s) further request that the appeal fee, \$320, or such greater or lesser amount as the Commissioner may deem is required under 37 CFR 1.17(e), be charged to Deposit Account No. 21-0718.

This notice is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

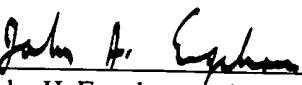
Applicant(s) filed a response to the Examiner's final rejection on _____, less than two months after the final rejection, and received an advisory action dated _____, which date constitutes the end of the extended period for response pursuant to 1027 OG 71.

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EXTENSION OF TIME. In the event this paper is not filed prior to the time set for filing the Notice of Appeal, applicant(s) hereby petition for an extension of the period for filing the Notice of Appeal to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718. If for any reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,


John H. Engelmann, Attorney

Registration No. 28,075

Date: February 20, 2003

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001

Telephone No. (269) 833-2532 or (269) 833-9500
Telefax No. (269) 833-8897 or (269) 833-2316

Enclosures: Form 191 (in triplicate)